



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Ecology A.O. # 03-07

☒ Preproposal Statement of Inquiry was filed as WSR 03-17-049 ; or☐ Expedited Rule Making--Proposed notice was filed as WSR _____ ; or☐ Proposal is exempt under RCW 34.05.310(4).☐ Original Notice☐ Supplemental Notice to WSR _____☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 173-400 WAC – General Regulations for Air Pollution Sources.

Hearing location(s):

Olympia – Ecology HQ Building, 300 Desmond Drive, Lacey, WA 98516

Hearing Date: November 9, 2004, Time: 1:30 PM

Spokane – Ecology Eastern Regional Office, 4601 N. Monroe Street,
Suite 202, Spokane, WA 99205

Hearing Date: November 10, 2004, Time: 1:30 PM

Date: _____ Time: _____

Submit written comments to:

Name: W. Thomas Todd

Address: Department of Ecology, P.O. Box 47600, Olympia, WA
98504-7600e-mail ttod461@ecy.wa.gov

fax (360)407-7534 by (date) November 24, 2004

Assistance for persons with disabilities: Contact

Tami Dahlgren _____ by October 29, 2004

TTY (800) 833-6388 or () _____ 711

Date of intended adoption: December 29, 2004(Note: This is **NOT** the effective date)**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

Change is proposed in the following parts of the rule:

1. Changes to Washington's version of the federal Prevention of Significant Deterioration (PSD) rules,
2. Fees charged for New Source Review,
3. Create a process whereby air permitting authorities can create general permits
4. Updated excess emissions policy.
5. Rules on public involvement for minor new source review.

Reasons supporting proposal:

1. Changes to the Washington PSD rules are necessary to continue to act as the federal government's agent for issuance of these permits.
2. The new source review fees have not been updated for 11 years. It is time to make sure that Ecology covers more of the costs of this function.
3. General permits will streamline the permitting process for small businesses.
4. Revising the excess emissions policy and the rules on public involvement are needed to insure that the program meets the federal requirements.

Statutory authority for adoption: Various portions of Chapter
70.94 RCW, including RCW 70.94.152**Statute being implemented:** Chapter 70.94 RCW**Is rule necessary because of a:**

Federal Law?

Federal Court Decision?

State Court Decision?

If yes, CITATION:

☒ Yes ☐ No☐ Yes ☐ No☐ Yes ☐ No

40 CFR 52.21

DATE

10/5/04

NAME (type or print)

Polly Zehm

SIGNATURE

POLLY ZEHEM

TITLE

Deputy Director, Department of Ecology

CODE REVISER USE ONLYCODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

OCT 5 2004

TIME 4:24 PM
WSR 04-20-105

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Ecology

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Sarah Rees	Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600	(360) 407-6823
Implementation....Stu Clark	Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600	(360) 407-6873
Enforcement.....Stu Clark	Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600	(360) 407-6873

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

The only portions of this regulation amendment that is not statutorily exempted apply only to government entities, not small businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Tom Todd

Address: P. O. Box 47600

Olympia, WA 98504-7600

phone (360) 407-7528

fax (360)407-7534

e-mail ttod461@ecy.wa.gov

☐ No: Please explain: